

**C) REMARKS**

1. Acknowledged.
2. Acknowledged.
3. The Examiner rejected claims 1-38 under 35 U.S.C. § 112 ¶2 as being indefinite.

Claims 1 and 23 have been amended to provided the necessary structural cooperative relationships between elements of the device.

Claim 2 has been cancelled.

Claims 6 and 7 have been cancelled.

Claims 25 and 26 have been cancelled.

4. The Examiner rejected claims 1-5 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,766,838 to Johnson (the Johnson reference).

Claim 1 has been amended and is now believed to be in position for allowance.

The limitations of claims 2 and 3 have been incorporated into claim 1. Claims 2 and 3 have been cancelled.

Claims 4 and 5 now depend from claim 1, which is believed to be in position for allowance.

The limitations of claims 6-9 have been incorporated into claim 1. Claims 6-9 have been cancelled.

Claims 10-22 are believed to be in position for allowance.

Claim 23 has been amended and is now believed to be in position for allowance.

Claims 24-27 have been cancelled. Each of the limitations of claims 24-27 have been incorporated into claim 23.

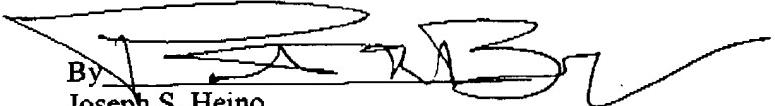
Claims 28-39 are believed to be allowable.

More specifically, claims 1 and 23 are believed to be allowable because, as amended, they claim a modular seating system wherein each seat and its support element is positionable along a track located within the base. Neither of the references cited teach a device that employs a leg unit that is supported by the base. Instead, they teach *suspended* seating arrangements.

Additionally, claims 1 and 23 are believed to be allowable on the grounds that no permanent hardware is required to attach the seats to the base as opposed to the seating systems taught in the references cited, among other reasons. Dependent claims 4, 5, 10-22 and 28-38 are also believed to be allowable as being dependent from allowable base claims.

The applicant has provided a new and useful modular seating device that is not anticipated by the prior art. For his ingenuity, he is entitled to the protection of the United States patent laws. Allowance of all claims as now presented is respectfully requested.

Respectfully submitted,  
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